

REMARKS

Claims 30-38 are pending in the application. Claims 30, 33, 35 and 37 are rejected and claims 31, 32, 34, 35, 36 and 38 are objected to.

Examiner's response to amendment

In the pending Office Action, the Examiner indicates that Applicants' arguments in response to the prior Office Action in this case were unpersuasive. Specifically, the Examiner disagrees with the distinctions Applicants have drawn between adjusting a beam width in response to "radio resource allocation instructions" of the present invention and adjusting a beam width in conjunction with the "distribution of a channel load" disclosed in Meidan (U.S. Patent 5,276,907).

The Examiner continues to contend, therefore, that adjusting a beam width for distributing a "channel load" as disclosed in Meidan, is analogous to the method of the present invention. To support the Examiner's position, the Examiner indicates that Meidan defines channel load as "communication resources, in terms of power limited and band limited (see col. 1 lines 39-54, col. 6 lines 6-44)" and therefore concludes that "channel load" is analogous to "radio resources" as used in the present invention. Applicants respectfully disagree with the Examiner's characterization of Meidan and its application to the present invention.

The Examiner's characterization of the Meidan specification to support the Examiner's position is in error. Specifically, and as stated above, the Examiner indicates that col. 1, lines 39-54 and col. 6 lines 6-44 of the specification of Meidan disclose a definition of channel load as communication resources and further in terms of "power limited and band limited". Applicants have carefully reviewed the sections of the Meidan specification cited by the Examiner in support his conclusions but cannot find the definitions the Examiner relies on.

In the first cited section, col. 1, lines 39-54 in the background section of the Meidan specification, the words communication resources (col. 1, line 40) are used as follows: "In any communication system, there are two primary communication resources to be employed, namely, average transmitted power and channel bandwidth". This statement clearly does not define channel load as being something analogous to the term

“radio resources” as used in the present invention. On line 50 of column 1 of Meidan, the specification states “Hence we may classify communication channels as power-limited, or band-limited.”

It is assumed that it is this line that the Examiner refers to in his reference to “power-limited” and “band-limited” in his rejection but this statement clearly does not define channel loading as being analogous to the term “radio resources” as used in the present invention. Similarly, in the other specification section cited by the Examiner, (col. 6, lines 6-44) there is no definition of channel loading, much less a definition that draws any analogy to “radio resources” as used in the present invention.

Accordingly, Applicants respectfully assert that based on the disclosure sections in Meidan cited by the Examiner, there are no grounds for rejecting the arguments made in Applicants last amendments and claims 30-38 of the present invention should be allowed.

Claim Rejections 35 USC 102

The Examiner has rejected claims 30, 33 and 35 under 35 U.S.C. 102(b) as being anticipated by Meidan. Specifically, the Examiner asserts that Meidan discloses the method recited in claim 30. In support of his position, the Examiner states that Meidan discloses “modifying at least one antennas beam width” (Meidan col. 6 lines 26-30) “based on radio resource allocation instructions for signals to be transmitted and/or received by the at least one antenna” (Meidan, col. 6, lines 21-45).

Applicants respectfully disagree with the Examiner’s characterization of Meidan and its application to the present invention. Meidan discloses techniques for dynamic distribution of a communication channel load in a cellular radio communication system. In the present invention an antenna beam width is dynamically adjusted based on *received radio resource allocation instructions for signals to be transmitted and/or received* by the antenna. Meidan simply does not disclose such a method of dynamic beam width adjustment. Moreover, the Examiners reliance on the cited specification section in Meidan, column 6, lines 21-45 is in error. The Examiner cites this section of the Meidan in support of his assertion that Meidan discloses modifying an antenna’s beam width based on radio resource allocation instructions for signals to be transmitted

and/or received by the antenna. The section cited however makes no such disclosure and the Examiner's characterization of this section of the Meidan specification is therefore flawed. Meidan simply does not disclose the adjustment of an antennas beam width based on radio resource allocation instructions. Claim 30 of the present invention is therefore not anticipated by Meidan and should accordingly be allowed. Claims 31-38 are also allowable at least by virtue of their dependence on allowable claim 30.

Allowable Subject Matter

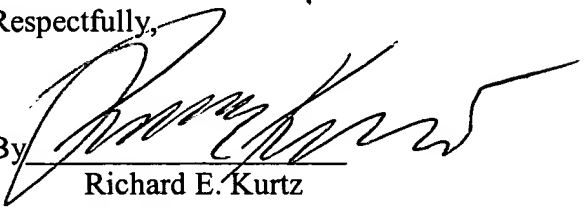
The Examiner has objected to claims 34 and 36-38 as being dependent on a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Applicants thank the Examiner for the allowable subject matter, but, however, decline to rewrite the objected claims in independent form at this time for the reasons mentioned above.

Request for Reconsideration pursuant to 37 CFR 1.111

Having responded to each and every ground for objection and rejection in the Office Action mailed on June 3, 2004, Applicant requests reconsideration in the instant application pursuant to 37 CFR 1.111 and requests that the Examiner pass the application to issue. Applicants carry forward arguments made in each previous response as if fully set forth herein. If there is any point requiring further attention prior to allowance, the Examiner is asked to contact Applicants' counsel who can be reached at the telephone number listed below. No fees are anticipated by this response. However if there are any fees due, please charge any such fees to our deposit account No. 50-1561 and reference the attorney docket number listed above.

Respectfully,

By 

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DATE: September 3, 2004